

DEPARTMENT OF PARKS AND RECREATION

Repeal of Chapter 19-4
City and County of Honolulu Administrative Rules
and

Adoption of Chapter 19-25
City and County of Honolulu Administrative Rules

November 30, 2023

SUMMARY

1. Chapter 19-4, City and County of Honolulu Administrative Rules, entitled "Shore Water Events," is repealed.
2. Chapter 19-25, City and County of Honolulu Administrative Rules, entitled "Rules and Regulations Governing Shore Water Events", is adopted.

CITY AND COUNTY OF HONOLULU
ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF PARKS AND RECREATION

CHAPTER 4

SHORE WATER EVENTS

REPEALED

§§19-4-1 to 19-4-15 Repealed. [R **DEC 16 2023**]

CITY AND COUNTY OF HONOLULU ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF PARKS AND RECREATION

CHAPTER 25

RULES AND REGULATIONS GOVERNING
SHORE WATER EVENTS

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SUBCHAPTER 1

GENERAL PROVISIONS

§19-25-1 Purpose. The purpose of this chapter is to make public parks readily accessible to the public; to ensure maximum permissible use of park areas and facilities by appropriate distribution of users; to ensure proper, orderly, and equitable use of park areas and facilities through user controls; to ensure protection and preservation of areas and facilities by not overtaxing facilities; and to promote the health, safety, and welfare of the users of park areas and facilities. [Eff **DEC 16 2023**] (Auth: RCH §4-104, ROH §10-1.3) (Imp: ROH §10-1.3)

§19-25-2 Application. These rules and regulations shall apply to the use of City parks and beach properties under the control of the department of parks and recreation, City and County of Honolulu, to provide access to conduct shore water events. [Eff **DEC 16 2023**] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-25-3 Definitions. As used in this chapter, the following words and terms shall have the following meaning unless the context clearly indicates otherwise:

"2025-2027 triennial north shore calendar" means the schedule of surf events to be held on the north shore from January 1, 2025 through May 31, 2027.

"ADA" means the Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et. seq., as amended.

"Advisory committee" means a committee, appointed by the Mayor, comprised of persons who represent the Hawaii surfing industry, to assist the department in ranking applications by providing comments to the department concerning the various applicants and

information concerning surf contests. At least two persons and no more than six total persons will establish the Advisory Committee. A membership ratio of fifty percent men and fifty percent women is required.

"After-event action report" means a department form completed by a permittee following a shore water event to document the results for events that go through the ranking system described in §19-25-13 which will include findings, deficiencies, and opportunities for improvement. This report will be posted on the department's website and should include event dates, heat sheet(s), start and end times, any amendments to the event approved by the director, and demographic information of the competitors.

"Amateur shore water event" means a shore water event open to participants who engage in a shore water event only as a pastime and not as a profession.

"Application for use of parks facilities" or "permit application" means a department form to request a permit.

"Applicant" means the person submitting a permit application or a person acting as an authorized agent for the applicant listed on the application.

"Big wave event" means a one-day surf event requiring participants to paddle into waves of minimum wave face heights of forty feet or higher without the use of thrill craft or tow-in assistance.

"Bodyboard" means a board consisting of a rectangular piece of foam shaped to a hydrodynamic form used for wave riding. The bodyboard is ridden usually in a prone position.

"Bodysurfing" means a water sport involving wave riding without the assistance of a floatation device.

"Bodyboarding" means a water sport involving wave riding with the assistance of a floatation device.

"Canoe surfing" means a water sport involving wave riding with the assistance of a canoe.

"City" means the city and county of Honolulu.

"Competition day" means any portion of the day consisting of maximum of eight hours used to conduct a surf event.

"Cooling off period" means the ten-day period preceding and following a surf event when no other surf event will be permitted at the same park.

"Criteria rating sheet" means the rating form used in resolving the north shore and south shore calendar conflicts.

"Department" means the department of parks and recreation, city and county of Honolulu.

"Director" means the director of the department of parks and recreation, or duly authorized representative.

"Duke's OceanFest Watersports Festival" means an annual event held for no more than ten days, which includes no more than seven days of surfing events, in August at venues in Waikiki, including Kuhio Beach Park to celebrate the life of Duke Paoa Kahanamoku. The festival may include a variety of watersports that represent Duke Kahanamoku's legacy.

"Eddie Aikau Big Wave Invitational" or "The Eddie" means a one-day big wave event at Waimea Bay Beach Park that honors Eddie Aikau, who was a city lifeguard, champion athlete, waterman, and a family man who exemplified hawaiian culture.

"Event" means the permitted period, including setup days, waiting period days, competition days and breakdown days.

"Fundraiser" means a special event for the purpose of raising funds, including the exchange of monies on park property, that is sponsored by community organizations, associations, groups or individuals, including nonprofit fundraising activities, and is accessory and subordinate to the primary recreational permitted use.

"Hydrofoil event" means the sport of wave riding a surfboard which has a hydrofoil attached to the board instead of a fin.

"HRS" means the Hawaii Revised Statutes, as amended.

"IRC" means the Internal Revenue Code, Title 26, United States Code, as amended.

"Kapiolani Park Beach" also known as "Queen's Beach" means the park area makai of Kalakaua Avenue

between the groin at the end of Kapahulu Avenue and the Natatorium.

"Kitesurfing" or "kiteboarding" means a water sport using a power kite to pull the rider through the water on a surfboard and which may not involve wave riding.

"Marine event permit" means a document issued by the State division of boating and ocean recreation of the department of land and natural resources which authorizes use of a particular area of the shore water of the state for a specific time period.

"Nonprofit organization" means an association, corporation or other entity, organized and operated exclusively for religious, charitable, scientific, literary, cultural, educational, recreational, or other nonprofit purposes, and which qualifies for exemption from the general excise tax provisions of Chapter 237, Hawaii Revised Statutes, as amended, and under Section 501 of the Internal Revenue Code of 1954, as amended.

"North shore" means the shore water area that extends from Kaena Point to and is inclusive of Kawela Bay under the jurisdiction of the department.

"North shore application supplement" means the packet of instructions and application materials made available to all applicants applying for permits for surf events to be calendared on the north shore calendar.

"North shore calendar" means the schedule of surf events to be held on the north shore from September 1st to May 31st

"Paddleboarding" means a surface water sport in which the participant is propelled by a swimming motion using their arms while lying or kneeling on a paddleboard or surfboard in the ocean.

"Parks permit" or "permit" means a non-transferrable department document granting a permittee permission to use recreational and other areas under the control, maintenance, management and operation of the department for a specific event.

"Parks permit office" means the office in the department responsible for processing and final

approval of permit applications and issuing of park permits.

"Person" means an individual, partnership, corporation, government, or government subdivision or agency, business trust, estate, association or any other legal entity.

"Power kite" means a type of dual-line kite capable of generating significant pulling power generally used in conjunction with a vehicle or board.

"Pro-Am shore water event" means a shore water surf event that may include divisions for amateurs, professional participates or a combination thereof.

"Professional shore water event" means a shore water event limited to participants who engage in the shore water event as a means of livelihood.

"Public park" means any park, park roadway, playground, athletic field, beach, beach right-of-way, tennis court, golf course, swimming pool, or other recreation area or facility under the control, maintenance, and management of the department of parks and recreation. "Public park" does not include a public thoroughfare defined as a "mall" under Section 29-1.1 unless the public thoroughfare has been (1) accepted, dedicated, or named by the council expressly as a "Public park" or "park"; (2) placed under the control, maintenance, and management of and classified expressly as a "Public park" or "park" by the department of parks and recreation; or (3) constructed or situated within a larger specific recreation area or facility listed in the preceding sentence.

"Queen's Beach" means the area makai of Kalakaua Avenue between the groin at the end of Kapahulu Avenue and the Natatorium.

"ROH" means the revised ordinances of Honolulu 2021, as amended.

"Shore water" means any shore or water between the three nautical mile limit and the mean tide mark on the shores of the islands of the State.

"Shore water event" means any organized water sport event including, but not limited to sail race, jet ski race, paddle board race, surf event, surfing

event, swim race, canoe race, or similar activity held in the shore water.

"Skimboarding" or "skimming" means a water sport involving riding a board on wet sand or shallow water and which does not involve wave riding.

"South shore" means the shore water area that extends from west end of Kakaako Waterfront Park to Makapuu Point.

"South shore application supplement" means the packet of instructions and application materials made available to all applicants applying for permits for surfing events to be calendared on the south shore calendar.

"South shore calendar" means the schedule of surfing events to be held on the south shore over a one year period beginning from May 1st to September 30th of the same year and the limited surfing events allowed from October 1st to April 31st under §19-25-12(b). The south shore beach parks included on the calendar are Kuhio Beach Park, Queen's Beach, Kewalo Basin Park, Kaka'ako Waterfront Park, and Ala Moana Regional Park.

"Standup paddle surfing" or "stand up paddleboarding" means a wave riding water sport involving the use of a standup paddle to propel the rider across the surface of the water while standing on a surfboard, windsurf board, or paddleboard.

"State" means the State of Hawaii.

"State division of boating and ocean recreation" means the state division of boating and ocean recreation, department of land and natural resources, State of Hawaii.

"Submit" or "submitted" means a completed and signed park permit application containing an original wet signature that has been delivered either by hand Monday through Friday, except holidays, between the hours of 8:00 a.m. and 4:00 p.m. or by Fedex or UPS or similar carrier service to the department of parks and recreation permits office located at the Frank F. Fasi Municipal Building, 1st Floor, 650 South King Street, Honolulu, HI 96813. Applications will be date stamped by the department upon date of receipt of the

application and the wet signature.

"Surf event" means a water sport contest, competition, exhibition, or organized event involving any form of wave riding.

"Surfboard" means any type of board, including paddleboard, standup paddleboard, and hydrofoil which is used for the sport of surfing.

"Surfing" means a water sport involving wave riding with the assistance of a surfboard.

"Surfing event" means a water sport contest, competition, exhibition or organized event involving surfing.

"Tow-in surfing" means a water sport utilizing a surfboard equipped with foot straps for wave riding with the assistance of a thrillcraft that is equipped with a rescue sled, bow tow-line and a tow-in-rope.

"Triennial north shore calendar" means the schedule of surf events to be held on the north shore over a three-year period beginning September 1st of the first year and ending on May 31st of the third year. For example, the Triennial north shore calendar for 2027-2030 shall run from September 1, 2027 through May 31, 2030, with events only permitted during the months of September 1st through May 31st.

"Waiting period" means the consecutive days within the permit period from which the permittee selects competition days, but does not include setup and breakdown days.

"Windboard" means a modified surfboard having a single sail mounted on a mast that pivots on a ball joint which is sailed by one person standing up.

"Windsurfing" means a water sport using a windboard and which does not involve wave riding.

[Eff **DEC 16 2023**] (Auth: RCH §6-1403, ROH §1-9.1)
(Imp: ROH §10-1.3)

SUBCHAPTER 2

SPECIFIC PROVISIONS

§19-25-4 Permit required. No person shall use a park to hold a shore water event or use a park in conjunction with a shore water event held in State shore waters without first obtaining a park use permit from the department. [Eff **DEC 16 2023**] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-25-5 Permit Application. (a) Except for an application for a permit to conduct a surf event on the north shore or a surfing event on the south shore, an applicant requesting a permit to conduct a shore water event shall submit an application to the department at least sixty days prior to the date of the shore water event but no earlier than one year prior to the date of the shore water event.

(b) All permit applications shall set forth the name of the applicant, nature of proposed shore water event, requested park, requested dates and time of the shore water event, requested number of competition days, requested contest dates, number of competitors, event format, number of days to setup and remove equipment and facilities, an estimate of the numbers of participants and spectators, a statement of equipment or facilities to be used, including site plan, proposed fees including entry fees, applicable federal, state identification numbers and any other information as may be requested by the department. Applicants for shore water events requesting to be calendared on the north or south shore calendars will be required to provide additional detailed information that shall be used to rank applicants' proposed events to determine permit eligibility and awards, as described in §19-25-13.

(c) An applicant requesting a permit to conduct a surf event on the north shore shall submit an application by the deadlines set forth in §19-25-6.

(d) No permit to conduct a surf event on the north shore shall be issued for the period from June 1st through August 31st.

(e) An applicant requesting a permit to conduct a single surf event or multiple surf events to be

scheduled on the triennial north shore calendar, including the 2025-2027 triennial north shore calendars shall submit separate applications and separate application supplements for each event requested for each north shore season. For example, an applicant desiring a single event only during January 1 through May 31, 2025, shall submit one application and application supplement. An applicant requesting permits to conduct one surf event in multiple years of the Triennial calendar, one event in January 1 through May 31, 2025 and one surf event in September 1, 2025 through May 31, 2026 shall submit two permit applications and two application supplements specifying the requested park, dates and time.

(f) An applicant requesting a permit to conduct a surfing event on the south shore shall submit an application by the deadlines set forth in §19-25-7.

(g) No permit to conduct a surfing event on the south shore shall be issued for the period from October 1st through April 30th, unless allowed under §19-25-12(b).

(h) An applicant requesting a permit to conduct a single surfing event or multiple surfing events to be scheduled on a south shore calendar, shall submit separate applications and separate application supplements for each south shore season. For example, an applicant desiring a permit for a single surfing event only during 2025, shall submit one application and application supplement. An applicant requesting permits to conduct multiple surfing events in 2025 shall submit a permit application and application supplement specifying the requested park, dates and time, for each surfing event.

(i) The department may reject any application that contains false information, that is incomplete or is not received by the department by the close of business on the filing deadline.

(j) The department may require an applicant to provide additional information that may be considered in resolving conflicts in the selection process.

(k) The department may issue a permit, without

unreasonable delay and provided that an application is submitted with reasonable timeliness and applicant has met all permit application requirements, unless;

- (1) The requested park has been reserved for city or department sponsored activity;
- (2) A prior application for a permit for the same time and place has been made that has been or will be granted;
- (3) Issuance of a permit will result in a violation of city, state or federal rules, regulations or ordinances;
- (4) It reasonably appears that based upon the information provided that the shore water event will present a clear and present danger to the public health or safety;
- (5) The shore water event is of such nature or duration that it cannot reasonably be accommodated in the particular location applied for, considering factors such as probable damage to the park's resources or facilities, interference with program activities, or impairment of the operation of the public use facilities or services of city concessionaires or contractors;
- (6) Applicant fails to pay required fees or deposits, or if a payment made by check is returned unpaid;
- (7) The application is subject to the ranking process described in §19-25-13;
- (8) A state of emergency is declared by the State or City authorities;
- (9) Natural or civil disturbances occur or threaten to occur, including but not limited to, tsunamis, floods, earthquakes, storms, riots, demonstrations, and employee strikes;
- (10) Permittee violates or has previously violated permit conditions or provisions of this chapter within a year of a permit application.
- (11) Applicant knowingly gives false, fictitious or fraudulent statements or representations made on the permit application.

(12) The park is closed or will be closed because of damage, or because of scheduled or ongoing construction, repair or maintenance activities.

(1) If a permit is denied, the applicant shall be informed in writing, with the reasons for the denial set forth. [Eff **DEC 16 2023**] (Auth: RCH §6-1403, ROH §1-9.10) (Imp: ROH §10-1.3)

§19-25-6 Permit application deadline for surf events held on the north shore. (a) Surf events scheduled on the 2025-2027 triennial north shore calendar shall be scheduled for the period from January 1, 2025 through May 31, 2027. Starting from September 1, 2027-2030, permits to conduct surf events on the north shore shall be issued on a triennial three-year cycle running from September 1st of the first year and ending on May 31st of the last year. For example, for the 2027-2030 triennial north shore calendar, the first cycle will be from September 1, 2027 through May 31, 2028, the second cycle will be from September 1, 2028 through May 31, 2029, and the third cycle will be from September 1, 2029 through May 31, 2030.

(b) Applications for permits to conduct surf events on the north shore shall be submitted to the department on or before the last business day in the month of September of the year preceding the start of triennial north shore calendar except for the 2025-2027 triennial north shore calendar. For example, an applicant desiring permits to conduct surf events during the 2027-2030 triennial north shore calendar must submit applications no later than the last business day in September, 2026. Applicants desiring permits to conduct surf events during the 2030-2033 triennial north shore calendar must submit applications no later than the last business day in September, 2029.

(c) For the 2025-2027 triennial north shore calendar year, starting on January 1, 2025 and ending on May 31, 2027, applications are due on the last

business day in January 2024.

(d) The director may, in the director's discretion, extend the application deadline, if the extension is consistent with the purposes of these rules and in the public interest. [Eff **DEC 16 2023**]
] (Auth: RCH §6-1403, ROH §1-9.10) (Imp: ROH §10-1.3)

§19-25-7 Permit application deadline for surfing events held on the south shore. (a) Starting in 2025, permits to conduct surfing events on the south shore shall be issued on a one-year cycle.

(b) An application for a permit to conduct a surfing event on the south shore shall be submitted to the department on or before the last business day in the month of May of the year preceding the start of south shore calendar. For example, an applicant desiring a permit to conduct a surfing event during 2025 must submit an application no later than the last business day in May, 2024. An applicant desiring a permit to conduct a surfing event during 2026, must submit an application no later than the last business day in May, 2025.

(c) The director may, in the director's discretion, extend the application deadline, if the extension is consistent with the purposes of these rules and in the public interest. [Eff **DEC 16 2023**]
(Auth: RCH §6-1403, ROH §1-9.10) (Imp: ROH §10-1.3)

§19-25-8 Permit conditions. (a) A park permit is permission for the applicant to use the park to stage and conduct the permitted event. Applicants are required to obtain a separate marine event permit issued by the state division of boating and ocean recreation, in order to utilize the ocean and shore area abutting the park under the jurisdiction of the department of land and natural resources. A city permit authorizing an applicant to conduct a shore water event in a park or to use a park in conjunction with a shore water event held in State shore waters does not authorize the applicant to utilize the ocean

and shore area under jurisdiction of the department of land and natural resources.

(b) Permittee shall present to the department, no later than three weeks before the event starts, a certificate of comprehensive general liability insurance in which the combined limit of liability for bodily injury and property damage is two million dollars per occurrence. Such policy or policies shall be placed with a company with an A.M. Best rating of A, Class 7, or better. The insurance certificate shall name the city and county of Honolulu, its directors, officers and employees, the State, its officers and employees, as additional insured, and a copy of the certificate of insurance shall be filed with the parks permit section. Said coverage to commence from the first day that equipment is set up on the park for the event to the last day of the event or the last day the equipment is removed from the park, whichever is the later. All policies and coverages required by this section are subject to the approval by the city risk manager as to content and form. If at any time in the judgment of the city risk manager said policies and/or coverages are not sufficient for any cause or reason, the city risk manager may require the permittee to replace said policies and/or coverages within five days with other policies and/or coverages acceptable to the city risk manager in accordance with this section. If said permittee fails to replace said policies within said period, the permit issued or to be issued shall be, by such failure, automatically suspended until such time said requirement is complied with, and the director or director's designated representative is hereby authorized to halt the activities of the permittee and enforce such suspension after receiving written notice from the city risk manager that said policies and/or coverage have not been replaced with good and sufficient policies and/or coverage.

(c) Permittee shall pay to the department prior to issuance of a permit for an amateur shore water event a \$500 deposit for clean-up and restoration of damages and a deposit of \$2,500 for professional shore

water event and pro-am shore water event. An additional \$500 deposit shall be required of any permittee who obtains approval from the department to drive or park vehicles on the grass at the park. Any damage to utilities, including sprinklers, water and electrical lines, facilities and grounds shall be repaired by a licensed contractor, retained by the permittee, immediately and to the satisfaction of the department. Should clean-up and repair be deemed unsatisfactory by the department, the department shall clean-up and repair any damage to the park caused by the event or the permittee and use the deposit as full or partial payment for the clean-up and repair costs incurred by the department. If clean-up or restoration of damages is not satisfactory as determined by the director, or if clean-up and repair costs exceed the amount of the deposit, permittee shall be responsible for any costs incurred by the department exceeding the deposit.

(d) Permittee shall be required to provide portable toilets at the park or where existing restrooms are not operational or determined inadequate by the department to cover the estimated number of participants and spectators of the shore water event. Where public restrooms are not available, permittee shall be required to provide a minimum of portable toilets. The number of portable toilets required at events will vary, depending upon the number of comfort stations and the condition of the waste water infrastructure at the specific beach park. Between ten to twenty portable toilets will be required for every 500 spectators, as determined by the department, with ten percent of the total number of portable toilets being ADA accessible. The department has the authority to require more portable toilets or ADA accessible portable toilets than the minimum or the number of toilets the applicant listed on its application.

(e) Permittee shall service the portable toilets and public restrooms before the start of the shore water event and shall maintain the portable toilets and public restrooms in a clean and sanitary condition

throughout the event, including pumping portable toilets to remove accumulated waste when the toilets are close to capacity. Portable toilets shall be serviced and remain open on each competition day. The portable toilets can be locked and remain locked until the start of the competition day. Permittee shall insure that the portable toilets are accessible to the service contractor and that access to the portable toilets is not blocked by park users, vehicles or equipment. Permittee, at its own expense, shall provide supplemental custodial services as determined necessary by the department for park facilities and comfort stations to ensure garbage is collected and disposed of to prevent littering of park beaches and the ocean.

(f) Permittee shall provide special duty police officers as determined necessary by the department for traffic, parking, security and crowd control in consultation with the Honolulu police department.

(g) Permittee shall be responsible to provide security using a bona fide security company or special duty police officers for all materials, supplies, equipment, and personal property stored on park property during the event. Permittee assumes full responsibility for any risk of property damage or loss which may arise from, or is in any way connected with the storage of permittee's property on the park property or the shore water event.

(h) Permittee shall be responsible for monitoring and controlling noise levels generated by the event, loudspeaker system and other equipment in order to comply with HRS Chapter 342F and ROH Section 10-1.2(b)(8), as amended. Violation of this provision shall automatically null and void the permit.

(i) Permittee shall not transfer, assign, or sell any or all rights granted by the permit or grant the use of any or all of the permit period to a third party or relinquish possession or use of the whole or any parts of the park granted to permittee under the permit. Any transfer, assignment, sale, grant or relinquishment of the permit shall automatically null and void the permit.

(j) Commercial announcements over the public address systems shall be limited to recognition of sponsors.

(k) Announcements over the public address systems and music shall not be in excess of 80 dBA sound pressure level, as established by ROH section 10-1.2(b)(8), as amended.

(l) The permit may contain such conditions as are reasonably consistent with the protection and use of the park for the purposes for which the park is managed. It may also contain reasonable limitations on equipment to be used and the time and area within which the event is allowed, and may require the permittee to provide additional portable toilet facilities, restroom maintenance, pumping of portable toilets as well as park restroom toilets, parking attendants, trash collection, and police security.

(m) Permittees for surf events on the triennial north shore calendar and surfing events on the south shore calendar shall file an after-event action report with the park permit office no later than 30 days after the conclusion of the event. Failure to file timely reports shall be subject to penalty as described in §19-25-13(i).

(n) Permittee shall comply with all applicable laws, rules, and regulations of the federal, state, and county governments. Issuance of a permit is not a grant of any other approvals that may be required of the permittee for the permitted activity, nor does a permit exempt the permittee or the permitted activity from any applicable laws, rules, ordinances, and regulations of any federal, state, or county government.

(o) The director may, in the director's discretion, waive any provision of this chapter, if the waiver is consistent with the purposes of this chapter and in the public interest. [Eff DEC 16 2023]
] (Auth: ROH §1-9.1) (Imp: ROH §10-1.3)

§19-25-9 Revocation of permit. (a) A permit may be revoked under any of the conditions listed in

Section 19-25-5(k) that constitute grounds for the denial of a permit. Such revocation shall be in writing, with the reasons for revocation clearly set forth, except under emergency circumstances, when an immediate verbal revocation or suspension of the permit may be made, to be followed by written confirmation within seventy-two hours.

(b) A permit may be revoked in the event the department determines that the permitted park is unavailable due to public safety concerns resulting from severe shore water erosion.

(c) Violation of the terms and conditions of a permit issued in accordance with these rules and regulations shall result in revocation of the permit and permittee shall be ineligible to apply for any shore water permit for a minimum of one calendar year following revocation and other penalties provided in ROH sections 10-1.3(c) and 10-1.6, as amended. [Eff DEC 16 2023]
] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-25-10 Regulations governing shore water events. (a) Posting of any signage, banners, posters, brochures, or advertising shall be subject to prior approval of the director.

(b) Permittee, at its own expense, shall pick up, bag and remove from the park at the end of each day all rubbish, or the permittee shall provide an on-site dumpster for the purpose of daily rubbish collection. The filled dumpster(s) shall be emptied daily as needed, and removed no later than 12:00 noon of the first working day after the end of the shore water event.

(c) Equipment, including spectator bleachers, judges' stand, or platforms may be allowed subject to the prior approval of the department and provided that permittee provides twenty-four hour security for the equipment.

(d) All materials, supplies, equipment and personal property shall be removed from the park no later than three days after the end of the shore water event or three days after the final competition day,

whichever is sooner.

(e) Permittee may not enter into any agreement with any for-profit organization except as otherwise provided herein to be on the park property during the shore water event.

(f) Subject to prior department approval, permittee may arrange for a commercial food caterer or lunch wagon to provide prepaid food to the shore water event participants. Authorization is to be noted on the park use permit.

(g) Food and refreshments shall be served to only event participants and not to other park users or event spectators. There shall be no exchanging of monies on park property.

(1) Liability insurance coverage, including products liability, is to be provided by the commercial food caterer or lunch wagon in the following minimum amounts: two million dollars per occurrence for bodily injury and property damage.

(2) The certificate of insurance shall name the city and county of Honolulu and the State of Hawaii and their officers and employees as additional insured.

(h) Fundraising shore water events, for the purpose of raising funds, including the exchange of monies on park property that are sponsored by community organizations, associations, groups or individuals, including nonprofit fundraising activities, are allowed if it is accessory and subordinate to the primary recreational, permitted use. Authorization is to be noted on the park use permit.

(1) If authorized by law, commercial food caterers, lunch wagons, and commercial vendors are allowed to operate only by prior arrangement with the non-profit organization conducting the fundraiser.

(2) The non-profit organization shall obtain authorization from the parks permit office to operate a temporary concession.

(3) Liability insurance coverage, including

products liability shall be provided by both the non-profit organization and the commercial food caterer or lunch wagon in the following amounts: two million dollars per occurrence for bodily injury and property damage. The certificate of insurance shall name the city and county of Honolulu and the State of Hawaii and their officers and employees as additional insured.

- (4) In a park, where a food concession is operated under contract with the city, the non-profit organization shall obtain written permission from the food concessionaire to sell food and refreshments in that park. The written permission shall be presented to the parks permit office prior to obtaining a temporary concessions permit.
- (5) The permittee shall provide a copy of a State department of health temporary food concession permit for each caterer and/or a lunch wagon State health certificate to the parks permit office.

(i) Temporary structures over 2,100 square feet in size require a permit from the Honolulu fire department. Applicant is responsible to obtain all applicable permits. Applicant shall obtain the requisite agency and department approvals. No park permit shall be issued until the department receives a copy of the temporary building permit and Honolulu fire department permit. [Eff **DEC. 16 2023**] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-25-11 Regulations governing surf events held on the north shore. (a) Permits to use a park for a surf event on the north shore are limited by date, number of events, time of events and to specific beaches, to ensure recreational surfers have opportunity to surf these limited surf breaks during the prime surf season.

- (b) Use of a park for a surf event to be held on

the north shore is permitted only during the period from September 1st through May 31st. No permit will be issued for use of a park on the north shore for a surf event from June 1st through August 31st.

(c) All surf events held on the north shore must be scheduled on the triennial north shore calendar or on the 2025-2027 triennial north shore calendar before a park use permit may be issued.

(d) A surf event shall be permitted only at Haleiwa Ali'i Beach Park, Waimea Bay Beach Park, Ehukai Beach Park, Sunset Beach Park and other north shore parks as approved by the director.

(e) The department shall establish a triennial north shore calendar for surf events no later than on the last business day of January of the same year when the triennial north shore calendar is being established. For example, for the 2027-2030 triennial north shore calendar, the calendar will be established by January 29, 2027. For the 2025-2027 triennial north shore calendar, the department shall establish the 2025-2027 triennial north shore calendar by the last business day on May 31, 2024.

(f) The total number of competition days for surf events permitted on the north shore during each north shore calendar period shall not exceed sixty-four, provided that no more than sixteen competition days may be scheduled at each beach park.

(g) For the 2025-2027 triennial north shore calendar, the total number of competition days for surf events scheduled during the period from January through May 2025 shall not exceed the following number of competition days at the following parks:

- (1) Waimea Beach Park - fourteen days;
- (2) Sunset Beach Park - ten days;
- (3) Ehukai Beach Park - twelve days; and
- (4) Haleiwa Alii Beach Park - four days.

For the remainder of the 2025-2027 triennial north shore, the total number of competition days for surf events shall not exceed sixty-four, provided that no more than sixteen competition days may be scheduled at each beach park

(h) At each park there shall be a ten-day

cooling off period, with the exception of a big wave event.

(i) Except for a big wave event or as authorized by the director, no surf event shall be permitted a waiting period of more than fifteen days. All permitted events shall be subject to a one-day reduction in their waiting period if the Director approves a big wave event to occur on the same day as their permitted event.

(j) Scheduling of overlapping waiting periods is prohibited. However, the director may approve up to one big wave event, in addition to the Eddie, and one or both big wave events may have a waiting period of up to a maximum of ninety days which may overlap the waiting periods of other surf events. In the event a second big wave event is approved, the two big wave events may have waiting periods that have consecutive days without a cooling off period in-between. On leap years, the waiting period may be up to a maximum of ninety-one days.

(k) As a big wave event, the Eddie, shall be granted scheduling priority over applications for other big wave surf events, provided the applicant meets the community impact mitigation criteria and submits a complete application. The director may authorize no more than one additional big wave event, for the purpose of meeting the diversity criteria and supporting the growth of big wave surfers previously not included in such events due to their gender.

(l) Two big wave events shall not be held on two consecutive weekends. They may be held on two consecutive days.

(m) No surf event shall be permitted more than four competition days, however, the director may, in the director's discretion and if consistent with the purposes of this chapter and in the public's interest, permit a surf event five competition days if the maximum number of competition days scheduled at the requested park has not been awarded.

(n) Under no circumstances may two or more surf events, including big wave events, be held on the same day on the north shore.

(o) No surf event or big wave event shall start before 8:00 a.m. All surf events shall be completed before 4:30 p.m.

(p) A competition day shall consist of eight hours of competition. The director may, in the director's discretion, grant an extension of up to a maximum of thirty minutes to a competition day if the extension facilitates completion of a heat. Any extension granted shall be added to the total competition hours for the event. No extension will be granted if the cumulative total competition hours for the event is increased.

(q) The maximum period of time a surf event shall be permitted is as follows:

- (1) A surf event awarded one day may use a maximum of two calendar days not to exceed a cumulative total of eight hours to complete the event.
- (2) A surf event awarded two days may use a maximum of three calendar days not to exceed a cumulative total of sixteen hours to complete the event.
- (3) A surf event awarded three days may use a maximum of five calendar days not to exceed a cumulative total of twenty-four hours to complete the event.
- (4) A surf event awarded four days may use a maximum of six calendar days not to exceed a cumulative total of thirty-two hours to complete the event.

(r) Except for a big wave event, a surf event shall not be held on any of the following dates:

- (1) Labor Day - The first Monday in September.
- (2) General Election Day - In even-numbered years, the first Tuesday after the first Monday in November.
- (3) Veterans' Day - The eleventh day in November.
- (4) Thanksgiving Day - The fourth Thursday in November.
- (5) Christmas Day - The twenty-fifth day in December.

- (6) New Year's Day - The first day in January.
 - (7) Dr. Martin Luther King, Jr. Day - The third Monday in January.
 - (8) Presidents' Day - The third Monday in February.
 - (9) Prince Jonah Kuhio Kalaniana'ole Day - The twenty-sixth day in March.
 - (10) Good Friday - The Friday preceding Easter Sunday.
 - (11) Memorial Day - The last Monday in May.
- (s) Dates listed in §19-25-11(r) on which surf events are not permitted shall not be counted as part of the waiting period.
- (t) Expression sessions and exhibitions shall not be considered in the ranking process, but each day an expression session or exhibition is held shall count as a competition day.
- (u) Permittees of surf events on the north shore calendar are subject to having no more than two waiting period days cancelled due to a big wave event.
- (v) The permittee of the big wave event must notify the department of the date selected to conduct the permitted big wave event. The department shall contact the permittee awarded a permit for use of the park site requested by the big wave event and inform them that one day of their waiting period shall be canceled.
- (w) After completion of the surf event, each permittee shall submit an after-event action report to the department, no later than 30 days after the event, which will be evaluated and published on the department's website. Failure to submit an after-event action report will affect future applications by the permittee when the applications are being reviewed and ranked, which is detailed in §19-25-13(h) and (i).
- (x) The director may, in the director's discretion, waive any provision of this chapter, if the waiver is consistent with the purposes of this chapter and in the public interest. [Eff **DEC 16 2023**]
] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-25-12 Regulations governing surfing events held on the south shore. (a) Use of a park for a surfing event to be held on the south shore is permitted only during the period from May 1st through September 30th. No permit will be issued for use of a park on the south shore for a surfing event from October 1st through April 30th, unless allowed under §19-25-12(b).

(b) Permits to conduct surfing events from October 1st through April 30th are available only for organized youth sports surfing activities for students ages intermediate/middle through high school, conducted by educational institutions recognized by the State department of education and are subject to the limitations of this chapter. There shall be no organized youth sports activities surfing event on the following dates:

- (1) General Election Day - In even-numbered years, the first Tuesday after the first Monday in November.
- (2) Veterans' Day - The eleventh day in November.
- (3) Thanksgiving Day - The fourth Thursday in November.
- (4) Christmas Day - The twenty-fifth day in December.
- (5) New Year's Day - The first day in January.
- (6) Dr. Martin Luther King, Jr. Day - The third Monday in January.
- (7) Presidents' Day - The third Monday in February.
- (8) Prince Jonah Kuhio Kalaniana'ole Day - The twenty-sixth day in March.
- (9) Good Friday - The Friday preceding Easter Sunday.

(c) All surfing events held on the south shore must be scheduled on the south shore calendar before a park use permit is issued.

(d) A south shore surfing event shall be permitted only at Kuhio Beach Park, Queen's Beach, Kewalo Basin Park, Kaka'ako Waterfont Park, and Ala Moana Regional Park and other south shore parks as

approved by the director.

(e) The department shall establish a south shore calendar for surfing events no later than on the last business day of September of the year preceding the start of the south shore calendar being established.

(f) At Kewalo Basin Park, Kaka'ako Waterfront Park, and Ala Moana Regional Park there shall be a ten-day cooling off period between surfing events at each park.

(g) Due to the proximity of Kuhio Beach Park and Queen's Beach and the extended event period allowed for the Duke's OceanFest Watersports Festival, only one event may be permitted at either Kuhio Beach or Queen's beach at any one time. There shall be a ten-day cooling off period at both Kuhio Beach Park and Queen's Beach after an event at either Kuhio Beach Park or Queen's Beach.

(h) For applicants requesting use of Kuhio Beach Park, only four surfing events at Kuhio Beach Park shall be scheduled on the south shore calendar, which includes the Duke's OceanFest Watersports Festival.

(i) For applicants requesting use of Queen's Beach, only five surfing events at Queen's Beach shall be scheduled on the south shore calendar.

(j) For applicants requesting use of Kewalo Basin Park, Kaka'ako Waterfront Park, and Ala Moana Regional Park, no more than six surfing events shall be scheduled at any of these parks on the south shore calendar.

(k) No surfing event shall be permitted more than four competition days, except for the Duke's oceanfest watersport festival.

(l) A maximum of two surfing events can have overlapping event days at two of the parks listed in §19-25-12(d), subject to the restrictions in this section.

(m) No surfing event shall start before 8:00 a.m. All surfing events shall be completed before 4:30 p.m.

(n) A surfing event shall not be held on any of the following dates:

(1) Memorial Day - The last Monday in May.

- (2) King Kamehameha Day - The eleventh day in June.
- (3) Fourth of July - The fourth day in July
- (4) Admission Day - The third Friday in August
- (5) Labor Day - The first Monday in September.
- (o) Dates listed in §19-25-12(n) on which surfing events are not permitted shall not be counted as part of the waiting period.
- (p) Expression sessions and exhibitions shall not be considered in the ranking process, but each day an expression session or exhibition is held shall count as a competition day.
- (q) After the surfing event, an after-event action report must be submitted to the department by the permittee, no later than 30 days after the event, which will be evaluated and published on the department's website. Failure to submit an after-event action report will affect future applications by the permittee when the applications are being reviewed and ranked, which is detailed in §19-24-13(h) and (i).
- (r) The director may, in the director's discretion, waive any provision of this chapter, if the waiver is consistent with the purposes of this chapter and in the public interest. [Eff DEC 16 2023]
] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §10-1.3)

§19-25-13 System for ranking applications for north shore and south shore calendars. (a) The Mayor may appoint an advisory committee to assist the department in ranking applications by providing comments concerning the various applicants and information concerning surf contests. A person may not serve on the committee if the person or the organization that the person is affiliated with is applying for a park permit to conduct a surf event in a public park. Should any member of the committee have a conflict of interest, the member shall recuse themselves from the process. If an advisory committee is established, the department shall provide the advisory committee with copies of the submitted applications. The advisory committee may provide

comments concerning the ranking process as applied to the various applicants.

(b) The submitted applications shall be evaluated by a panel of three department employees who are designated by the director.

(c) Applications will be divided into two groups for surf events on the north shore. Each application within the group will be evaluated against the other applications in the same group. One group will consist of the applications for a big wave event, and the other group will consist of the applications for all other north shore surf events.

(d) Applications will be divided into two groups for surfing events on the south shore. Each application within the group will be evaluated against the other applications in the same group. One group will consist of the applications for the Duke's oceanfest watersports festival and the other group will consist of the applications for all other south shore surfing events.

(e) The department shall apply the ranking system set forth in this section for all applications that are timely submitted for a shore water event on the north shore or south shore at the designated park.

(f) Applications shall be ranked based on two categories:

- (1) The applicant's plan to mitigate the impacts the shore water event creates for the community and the affected park; and
- (2) The applicant's plan to address the city's desire to provide a diversity of shore water events for Oahu residents at these world-class, limited-area surf breaks.

(g) There is a total of nine criteria upon which applications shall be ranked. A maximum of thirty-six points may be allotted to any application, as described below. Applications shall include details on how the planned events incorporate each of the nine criteria in order to be eligible to receive points for each portion of the ranking.

- (1) Mitigating community impacts shall be ranked based on how the event plan addresses each

of the following four criteria. Zero to three points may be allotted for each of the four criteria, for a maximum total of twelve points. The panel will compare applications and rank them in order of effectiveness in mitigating the community impacts, and award points accordingly.

- (A) Traffic and parking. Applications shall include plans to mitigate their event's impacts on traffic and on parking on the street and in the park. Considerations include but are not limited to off-duty police officers to enforce parking restrictions and minimize traffic backups and strategies such as parking contestant and judges offsite and/or providing shuttle services for event participants and/or spectators.
- (B) Crowd control. Applications shall include plans to manage large crowds drawn to surf events to minimize their impact on the community and maintain public safety for spectators and space for other park user groups. Considerations include but are not limited to off-duty police officers or other security in the park and strategies such as "aloha ambassadors" in marked shirts, stanchions or other guideways to provide walkways for park users.
- (C) Resident and government service access. Applications shall include plans to maintain vehicle access for residents and government services to reach neighboring communities, particularly in the north shore, and within the park itself for both the north and south shores. Considerations include but are not limited to stanchions or cones to block parking in areas where not

lawfully allowed and strategies such as extra security or obtaining on-site emergency service.

- (D) Cleaning park restrooms and grounds. Applications shall include plans that ensure large crowds drawn to shore water events do not overwhelm park facilities and grounds or leave areas in a state of disrepair or in poor condition. Considerations include but are not limited to providing portapotties to supplement comfort stations, pumping septic systems during the event where applicable, providing dumpsters for rubbish during the event, and janitorial services over the course of the event.
- (2) Diversity of shore water surf event shall be ranked based on how the event plan addresses each of the following five criteria. Zero to three points may be allotted for the criteria (2)(A), (B), (C) and (D); and zero to twelve points may be allotted for criteria (2)(E). The maximum total of points for this category is twenty-four (24) points. For the purposes of this section, "equitable opportunity" shall mean an event that provides two out of three of the following: equal number of contestants, equal number of heats, or equal prize money (or in non-financial awards, equal awards) designated for both the historically represented and underrepresented categories. The panel will assign points as follows:
 - (A) Diversity of primary event. The city desires to provide a surf calendar that includes a spectrum of types of surf events. Surf calendars are historically dominated by board surfing events. Additional points shall be awarded to applications that include under-represented types of events,

which include bodyboarding, bodysurfing or stand-up paddle surfing, in order to promote diversity in the type of event on this limited surf calendar.

- (i) Three points for applications that are exclusively devoted to underrepresented types of events.
 - (ii) Two points for applications that propose an equitable opportunity for underrepresented types of events.
 - (iii) One point for applications that propose some but less than equitable opportunity for underrepresented types of event.
 - (iv) Zero points for an application that proposes an event that is exclusively board surfing.
- (B) Diversity of age range of event participants. The city desires to provide opportunities to young emerging surfers and kupuna. Surf calendars are historically dominated by surf events for adults in their prime athletic years. Additional points shall be awarded to applications that include underrepresented ages of surfers.
- (i) Three points for applications that propose events that are exclusively devoted to underrepresented ages of surfers.
 - (ii) Two points for applications that propose equitable opportunity for underrepresented ages of surfers.
 - (iii) One point for applications that propose some but less than equitable opportunity for underrepresented ages of surfers.

- (iv) Zero points for an application that proposes an event that is exclusively adults in their prime athletic years.
- (C) Diversity of professional and amateur event participants. The city desires to provide opportunities to amateur surfers. Surf calendars are historically dominated by surf events for professionals. Additional points shall be awarded to applications that include amateur surfers.
 - (i) Three points for applications that propose events that are exclusively devoted to amateur surfers.
 - (ii) Two points for applications that propose equitable opportunity for amateur surfers.
 - (iii) One point for applications that propose some but less than equitable opportunity for amateur surfers.
 - (iv) Zero points for an application that proposes an event that is exclusively professional surfers.
- (D) Diversity of abilities. The city desires to provide opportunities to persons with disabilities. Surf calendars are historically dominated by surf events for able-bodied persons. Additional points shall be awarded to applications that include disabled surfers.
 - (i) Three points for applications that propose events that are exclusively devoted to disabled surfers.
 - (ii) Two points for applications that propose equitable opportunity for disabled surfers.

- (iii) One point for applications that propose some but less than equitable opportunity for disabled surfers.
- (iv) Zero points for an application that proposes an event that is exclusively able-bodied surfers.
- (E) Diversity of gender. The city desires to provide opportunities to surfers of all genders and non-binary surfers. Surf calendars are historically dominated by surf events for male surfers. For purposes of these administrative rules, transgender athletes shall be categorized as their self-identified gender and non-binary athletes shall be categorized in the gender they self-select for the event. Additional points shall be awarded to applications that include underrepresented genders of surfers.
 - (i) Twelve points for applications that propose events that are exclusively devoted to underrepresented genders of surfers.
 - (ii) Nine points for applications that include seventy-five percent underrepresented genders of surfers.
 - (iii) Six points for applications that propose an equitable opportunity for underrepresented genders of surfers.
 - (iv) Three points for applications that include twenty-five percent underrepresented genders of surfers.
 - (v) One point for applications that propose some but less than twenty-five percent opportunity

for underrepresented genders of surfers.

- (vi) Zero points for an application that proposes an event that is exclusively male surfers.

(h) Applicants awarded permits based on their ranking shall have conditions placed in their shore water event permits requiring them to fulfill the plans proposed for any of the nine criteria promised in their application. An applicant's failure to meet any of the five diversity permit conditions upon which their application was ranked and selected for permitting shall be subject to a penalty. Five points shall be automatically deducted from an applicant's score for each ranking diversity criteria plan the applicant failed to fully deliver when the applicant submits an application for the next north shore or south shore calendar. For example, if in the south shore calendar year, an applicant failed to deliver their amateur and gender diversity plan and conducted an event that was 25% female and 50% amateur surfers when the plan promised 50% female and 100% amateur surfers their next application shall be subject to a 10-point deduction.

(i) The following points will automatically be deducted from an applicant's score when the applicant submits an application for the next north shore or south shore calendar year if the applicant does not comply with the after-event action report filing requirements:

- (1) Five points will automatically be deducted when an applicant fails to submit an after-event action report for a previous event within 60 days after completion of the event, fails to submit a report, or submits a report which indicates that the event conducted was not consistent with the information provided in the application. For example, if a north shore triennial calendar applicant failed to submit an after-event action report in year 2 of the current triennial north shore calendar, five

points will automatically be deducted when the applicant submits an application for year one in the following triennial north shore calendar.

- (2) Four points will automatically be deducted when an applicant submits an application for the next north shore or south shore calendar year if the applicant submitted its after-event report for a previous event 30-60 days after completion of the event.

(j) After each application has been scored, the department shall prepare a draft triennial north shore calendar or draft 2025-2027 triennial north shore calendar or draft south shore calendar. The dates and park site requested by the application receiving the highest total score shall be scheduled first on the draft calendar. The dates and park site requested by the application receiving the second highest score shall be scheduled on the draft calendar and so on until all requests have been calendared or the maximum number of events permitted at each park site has been calendared.

(k) An application which requests a date and park site which has already been assigned on the draft calendar to another applicant shall be assigned the alternate dates and/or park sites on the draft calendar as requested in the application supplement. Applicants may request up to two alternate dates for each application.

(l) The department may mediate resolution of the scheduling conflicts between applicants. If scheduling conflicts are resolved, each applicant whose requested dates have been changed shall submit an amended application. All amended applications for use of park facilities submitted as a result of the mediation will nullify the original permit application submitted by the applicant.

(m) Late applications and incomplete applications submitted without required documentation shall not be considered in the ranking system.

(n) At the conclusion of the ranking system the department shall notify all permit applicants in

writing of their permit application status and the department shall post the final triennial north shore calendar, 2025-2027 triennial north shore calendar and south shore calendar, as applicable on the internet website of the city.

(o) Once the calendar has been posted and all applicants notified, the triennial north shore calendar, 2025-2027 triennial north shore calendar and south shore calendar shall be considered final. Permits issued for events on the calendar may not be issued for a longer period than is scheduled on the calendar.

(p) In the event an application is withdrawn, denied, or revoked after the triennial north shore calendar, 2025-2027 triennial north shore calendar and south shore calendar are finalized, the resulting vacancy on the applicable calendar may be filled by another event's application for the same shore at the discretion of the department. [Eff **DEC 16 2023**]
(Auth: RCH \$6-1403 ROH \$1-9.1) (Imp: ROH \$10-1.3)

§19-25-14 Indemnification. Prior to issuance of a permit, an applicant who has been awarded a permit for a north shore or south shore professional or pro-am shore water event shall submit to the department a signed indemnification agreement provided by the department acknowledging that permittee assumes all risks of personal injury or wrongful death and loss or damage to property by whomsoever owned, arising out of or in connection with permittee's use of the public facilities under such permit; and agrees to indemnify, hold harmless and defend the city and county of Honolulu against any claim, cause of action, liability, loss, damage, cost or expense for bodily injury, wrongful death, or property damage, arising or resulting from permittee, its agents, employees, contractors or invitees use of the public facilities under such permit, as well as any breach of regulations or ordinances, except where such injury, death or property damage is caused by the willful act or gross negligence of the city. [Eff **DEC 16 2023**]

(Auth: RCH §6-1403, ROH §1-9.1 (Imp: ROH §10-1.3)

§19-25-15 Denial or revocation of a permit. (a)

An application for a permit may be denied or a permit revoked by the director or the authorized representative when:

- (1) If applicant knowingly gives false, fictitious or fraudulent statements of representations made on the permit application;
- (2) The park is closed or will be closed because of damage, or because of scheduled or ongoing construction, repair or maintenance activities;
- (3) The requested park has been reserved for city or department sponsored activity;
- (4) Issuance of a permit will result in a violation of City, State or Federal laws, rules or ordinances;
- (5) A state of emergency is declared by the director or other proper authorities;
- (6) Natural or civil disturbances including, but not limited to tsunamis, floods, earthquakes, storms, riots, demonstrations and employee strikes, which may be occurring or threatening to occur;
- (7) The park is inadequate to meet the needs of the anticipated activity;
- (8) A prior application for a permit for the same time and place has been made that has been or will be granted;
- (9) It reasonably appears that based upon the information provided that the anticipated activity presents a clear and present danger to the public health or safety;
- (10) Applicant fails to pay required fees or if payment made by check is returned unpaid;
- (11) Applicant has previously violated permit conditions or provisions of this chapter within a year of a permit application; or
- (12) The shore water event is of such nature or

duration that it cannot reasonably be accommodated in the particular location applied for, considering factors such as probable damage to the park's resources or facilities, interference with program activities, or impairment of the operation of the public use facilities or services of city concessionaires or contractors.

(b) If a permit is denied or revoked, the applicant shall be informed in writing of the reasons for denial or revocation, except under emergency circumstances, when an immediate verbal revocation or suspension of the permit may be made, to be followed by written confirmation within seventy-two hours.

(c) If a permit is revoked, the permittee shall be ineligible to apply for a shore water event for a minimum of one calendar year following revocation and be subject to other penalties as set forth in this chapter.

(d) Any person aggrieved by a decision of the director to revoke a permit shall be entitled to have the decision reviewed by the managing director; provided, that the request for review is submitted in writing to the managing director within five calendar days after notification of the decision made by the director. If the managing director finds that the director's action was based on an erroneous finding of a material fact or that the director had acted in an arbitrary or capricious manner or had manifestly abused the director's discretion, the managing director shall modify or reverse the decision of the director; otherwise, the managing director shall affirm the decision of the director. [Eff] (Auth: RCH §6-1403, ROH §1-9.1) (Imp: ROH §§10-1.2, 10-1.3)

§19-25-16 Violation. Any person violating any provision of these rules shall be subject to the penalties provided in ROH sections 10-1.3(c) and 10-1.6, as amended. [Eff DEC 16 2023] (Auth: RCH §4-105; ROH §1-9.1) (Imp: ROH §§10-1.2, 10-1.3)

§19-25-17 Severability. If any chapter, section, subsection, sentence, clause, phrase, or portion of these rules is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof. [Eff **DEC 16 2023**] (Auth: RCH §4-105, RCH §1-9.1)

DEPARTMENT OF PARKS AND RECREATION

The repeal of chapter 19-4 and the adoption of chapter 19-25, City and County of Honolulu Administrative Rules, on the Summary Page dated November 30, 2023 were adopted on November 30, 2023, following a public hearing held on October 20, 2023, after public notice was given in the Honolulu Star-Advertiser on September 19, 2023.


This chapter shall take effect ten (10) days after filing with the Office of the City Clerk.

DEPARTMENT OF PARKS AND RECREATION
CITY AND COUNTY OF HONOLULU



Laura H. Thielen, Director

APPROVED AS TO
FORM AND LEGALITY:



Deputy Corporation Counsel

APPROVED this 5th day of
December, 2023.



Rick Blangiardi, Mayor
City and County of Honolulu

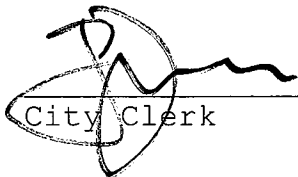
CERTIFICATION

I, LAURA H. THIELEN, in my capacity as Director of the Department of Parks and Recreation, City and County of Honolulu, do hereby certify that the foregoing is a full, true and correct copy of Title 19, Chapter 25, City and County of Honolulu Administrative Rules, entitled " Rules and Regulations Governing Shore Water Events", which were adopted on November 30, 2023 following a Public Hearing held on October 20, 2023, 2023, after public notice was given on September 19, 2023, in the Honolulu Star-Advertiser.



LAURA H. THIELEN
Director

Received this 6th day of
December, 2023.



City Clerk